SO ORDERED.

SIGNED this 1st day of November, 2019.

_____
LENA MANSORI JAMES
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:	)	
	)	
Lent C. Carr, II and	)	Case No. 18-80386
Deltarina V. Carr,	)	Chapter 13
Debtors.	)	
	)	

ORDER
DENYING CREDITOR'S MOTION TO RECONSIDER ORDER DISALLOWING CLAIM

THIS MATTER came before the Court on *pro se* creditor Jannetta Jordan's (the "Creditor") filing of a document captioned as Petition for Relief of Disallowed Judgment (Docket No. 78, the "Motion"), which the Court interprets as a motion to reconsider its Order Sustaining Objection to Claim entered on October 26, 2018 (Docket No. 52, the "Order"). The Debtors filed a response on October 23, 2019, objecting to the relief sought by the Creditor (Docket No. 94). The Court held a hearing on the Creditor's Motion on October 29, 2019, at which Eric Fabricius, Esq., appeared on behalf of the Debtors, and Benjamin Lovell, Esq., appeared on behalf of the Chapter 13 Trustee. The Creditor did not appear at the hearing and provided no advanced notice to the Court or counsel of her inability to attend.

In the Motion, the Creditor seeks to vacate the Order, in which the Court sustained the Debtors' objection and disallowed the Creditor's bankruptcy claim (claim # 5) in the amount of $250,000. The Court entered the Order after the Creditor failed to file a response to the Debtors' objection and did not appear at the hearing on the objection. The Court found the Creditor was properly noticed at the

address provided in her proof of claim, and the Creditor continues to cite this address as her current address (Docket No. 78).

In the Motion, the Creditor described the circumstances behind the filing of her claim in this bankruptcy case (claim # 5), specifically alleging the Debtors misrepresented themselves and unlawfully obtained title to the Creditor's properties. Nowhere in the Motion, however, does the Creditor contend she received insufficient notice of the Debtors' objection to claim. The Creditor similarly fails to cite a mistake, newly discovered evidence, or any other grounds for relief under Bankruptcy Rule 9024 that would justify vacating the Order.

Federal Rule of Bankruptcy Procedure 9024, which incorporates Federal Rule of Civil Procedure 60, sets forth the grounds for relief from a judgment or order:

1. mistake, inadvertence, surprise, or excusable neglect;
2. newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
3. fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
4. the judgment is void;
5. the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or
6. any other reason that justifies relief.

Fed. R. Civ. P. 60(b).

In order to obtain relief under Rule 60(b)(6) there must be a showing of extraordinary circumstances justifying relief and the movant must not have contributed to the situation from which relief is sought. *In re Clayton*, No. 02-82063C-13D, 2003 WL 22014579, at *3 (Bankr. M.D.N.C. Aug. 19, 2003) (citation omitted). As the Creditor cited no basis for relief in the Motion, and failed to appear at the hearing, the Court finds no possible grounds for reconsideration of the Order.

For the reasons stated herein, IT IS HEREBY ORDERED that Creditor Jannetta Jordan's motion to reconsider the Court's October 26, 2018 order disallowing her bankruptcy claim is denied in its entirety.

END OF DOCUMENT

PARTIES TO BE SERVED

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18-80386 C-13

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